

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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§282.60 Georgia State-Administered Program.

(a) The State of Georgia is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Georgia Department of Natural Resources, Environmental Protection Division, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Georgia program on April 29, 1991 and it was effective on July 9, 1991.

(b) Georgia has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Georgia must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Georgia obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Georgia has final approval for the following elements submitted to EPA in Georgia's program application for final approval and approved by EPA on April 29, 1991. Copies may be obtained from the Underground Storage Tank Management Program, Georgia Environmental Protection Division, 4244 International Parkway, Suite 100, Atlanta, GA 30354.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Georgia Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Georgia Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not

incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include the following sections of the Georgia Underground Storage Tank Act:

12-13-5—Rules and regulations; enforcement powers,

12-13-8—Investigations,

12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment,

12-13-15—Injunctions and restraining orders,

12-13-16—Hearings and review,

12-13-17—Judgement by superior court,

12-13-19—Violations; imposition of penalties,

12-13-20—Action in emergencies, and

12-13-22—Representation by Attorney General

(B) The regulatory provisions include the following sections of Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

391-3-15-.01(2)—Authority, and

391-3-15-.14—Enforcement

(2) *Statement of legal authority.* (i) "Attorney General's Certification of 'No Less Stringent' Objectives And 'Adequate Enforcement' Authorities Implementing The Underground Storage Tank Program", signed by the Attorney General of Georgia on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on February 20, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in February 1990, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the Georgia Department of Natural Resources, signed by the EPA Regional Administrator on July 10, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[61 FR 4225, Feb. 5, 1996]

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§ 282.60

APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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Georgia

(a) The statutory provisions include the Georgia Underground Storage Tank Act (GUSTA) (O.C.G.A. Section 12-13-1, *et seq.*):

Section 12-13-2—Public policy.
Section 12-13-3—Definitions.
Section 12-13-4—Exceptions to chapter.
Section 12-13-5—Rules and regulations; enforcement powers.
Section 12-13-6—Powers and duties of director.
Section 12-13-7—Performance standards applicable until rules and regulations effective.
Section 12-13-8—Investigations.
Section 12-13-9—Establishing financial responsibility; claims against guarantor; Underground storage Trust Fund.
Section 12-13-10—Environmental assurance fees.
Section 12-13-11—Corrective action for release of petroleum product into environment.
Section 12-13-12—Recovery in event of discharge or threat of discharge of regulated substance.
Section 12-13-13—Notice by owner of underground storage tank.
Section 12-13-14—Corrective action for violations of chapter, rules, etc., and for release of regulated substance into environment.
Section 12-13-15—Injunctions and restraining orders.
Section 12-13-16—Hearings and review.
Section 12-13-17—Judgement by superior court.
Section 12-13-18—Required compliance with chapter; proof that petroleum subjected to environmental fee.
Section 12-13-19—Violations; imposition of penalties.

Section 12-13-20—Action in emergencies.
Section 12-13-21—Public access to records.
Section 12-13-22—Representation by Attorney General.

(b) The regulatory provisions include the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Management:

Section 391-3-15-.01—General provisions. Amended.
Section 391-3-15-.02—Definitions, UST Exclusions, and UST Deferrals. Amended.
Section 391-3-15-.03—Confidentiality of Information. Amended.
Section 391-3-15-.04—Interim Prohibition for Deferred UST Systems. Amended.
Section 391-3-15-.05—UST Systems: Design, Construction, Installation and Notification. Amended.
Section 391-3-15-.06—General Operating Requirements. Amended.
Section 391-3-15-.07—Release Detection. Amended.
Section 391-3-15-.08—Release Reporting, Investigation, and Confirmation. Amended.
Section 391-3-15-.09—Release Response and Corrective Action for UST Systems Containing Petroleum. Amended.
Section 391-3-15-.10—Release Response and Corrective Action for UST Systems Containing Hazardous Substances. Amended.
Section 391-3-15-.11—Out-of-Service UST Systems and Closure. Amended.
Section 391-3-15-.12—UST Systems Containing Petroleum; Financial Responsibility Requirements. Amended.
Section 391-3-15-.13—Georgia Underground Storage Tank (GUST) Trust Fund. Amended.
Section 391-3-15-.14—Enforcement.
Section 391-3-15-.15—Variances.

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